

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Valerie BAUBET et al. ) Group Art Unit: 1632  
)  
Serial No.: 09/863,901 ) Examiner: Not yet assigned  
)  
Filed: May 24, 2001 )  
)  
For: CHIMERIC GFP-AUQUORIN AS )  
BIOLUMINESCENT Ca++ )  
REPORTERS AT THE SINGLE )  
CELL LEVEL )

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

LETTER

Please associate the attached substitute Declaration and Power of Attorney with  
U.S. Application No. 09/863,901.

The substitute Declaration and Power of Attorney corrects an error in the filing  
date of priority application 60/210,526 on the original Declaration and Power of  
Attorney. The correct filing date is June 9, 2000, instead of June 6, 2000.

Please grant any extensions of time required to enter this communication and  
charge any additional required fees to our deposit account 06-0916.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

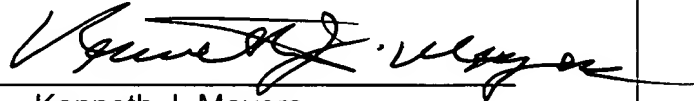
1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

Application Serial No.: 09/863,901  
Attorney Docket No.: 03495-0207-00000

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 4, 2002

By: 

Kenneth J. Meyers

Reg. No. 25,146

Phone: (202) 408-4000

Fax: (202) 408-4400

E-mail: [ken.meyers@finnegan.com](mailto:ken.meyers@finnegan.com)

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
Valerie BAUBET et al. ) Group Art Unit: 1632  
 )  
Serial No.: 09/863,901 ) Examiner: Not yet assigned  
 )  
Filed: May 24, 2001 )  
 )  
For: CHIMERIC GFP-AUQUORIN AS )  
BIOLUMINESCENT Ca++ )  
REPORTERS AT THE SINGLE )  
CELL LEVEL )

Commissioner for Patents  
and Trademarks  
Washington, DC 20231

OFFICE OF INITIAL PATENT EXAMINATION

Sir:

**REQUEST FOR CORRECTED FILING RECEIPT**

We are forwarding herewith a copy of a Filing Receipt for the above-identified patent application.

The filing receipt indicates that the entry for Provisional Application 60/210,526, filed on June 9, 2000 is inconsistent with PTO records. The serial number and filing date for this application are consistent, though, with the information on the cover of a certified copy of the application. The inconsistency may be due to an error in the priority information in the first paragraph of the specification for the currently pending application, 09/863,901, and in the Declaration and Power of Attorney originally filed. The filing date for provisional application 60/210,526 was incorrectly stated as June 6, 2000, instead of June 9, 2000, in both instances. A Preliminary Amendment and a substitute Declaration and Power of Attorney, filed concurrently with this request, correct this error.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

Applicants request that the absence of inconsistency in the data on the Filing Receipt be acknowledged by the Office.

It is respectfully requested that a new Filing Receipt be issued as soon as possible.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

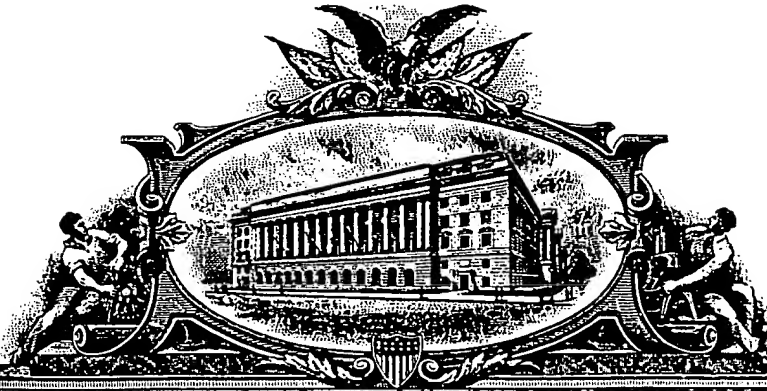
Dated: October 4, 2002

By: 

Kenneth J. Meyers  
Reg. No. 25,146  
Phone: (202) 408-4033  
Fax: (202) 408-4400  
Email: Ken.Meyers@finnegan.com

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**April 30, 2001**

**THIS IS TO CERTIFY THAT ANNEXED HERETO IS A TRUE COPY FROM  
THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK  
OFFICE OF THOSE PAPERS OF THE BELOW IDENTIFIED PATENT  
APPLICATION THAT MET THE REQUIREMENTS TO BE GRANTED A  
FILING DATE UNDER 35 USC 111.**

**APPLICATION NUMBER: 60/210,526**

**FILING DATE: June 09, 2000**



**By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS**

*E. Bornett*

**E. BORNETT**

**Certifying Officer**

3495.0207  
KJM/DVK

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/863,901	05/24/2001	1632	0.00	03495.0207	11	53	27

CONFIRMATION NO. 9364

## FILING RECEIPT



\*OC00000006547637\*

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
1300 I STREET, N.W.  
WASHINGTON, DC 20005-3315

RECEIVED

SEP 14 2001

FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER, LLP.

Date Mailed: 09/13/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Valerie Baubet, Residence Not Provided;  
Herve Le Mouellic, Residence Not Provided;  
Philippe Brulet, Residence Not Provided;

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/208,314 06/01/2000  
AND CLAIMS BENEFIT OF 60/210,526 06/09/2000 <sup>→</sup>  
AND CLAIMS BENEFIT OF 60/255,111 12/14/2000  
~~(\*) Data inconsistent with PTO records.~~

## Foreign Applications

If Required, Foreign Filing License Granted 09/10/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

## Title

Chimeric GFP-aequorin as bioluminescent Ca++ reporters at the single cell level

**Preliminary Class**  
435

---

**Data entry by :** ZEWDIE, BROUKTAWIT

**Team :** OIPE

**Date:** 09/13/2001

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- o The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- o The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- o The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- o The docket number allows a maximum of 25 characters.
- o If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- o The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231